

United States District Court
Eastern District of Michigan

United States of America

v.

Roderick Simmons /
Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 06-30254

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

T (1) I find that:

- T** there is probable cause to believe that the defendant has committed an offense
T for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
“ under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Large scale cocaine and marijuana distribution conspiracy..
T (b) weight of the evidence - Very strong, including >50 kilos of cocaine, 30 pounds of marijuana; 5 firearms, admissions of defendant and agent surveillance.
T (c) history and characteristics of the defendant -
 T 1) physical and mental condition - Good health.
 T 2) employment, financial, family ties - Has family ties; claims employment, but information is not deemed trustworthy; conflicting information re: property.
 T 3) criminal history and record of appearance - Prior drug conviction in 1998; lengthy prison term.
 “ (d) probation, parole or bond at time of the alleged offense
T (e) danger to another person or community. Defendant found in same room with five handguns, despite felony conviction. One weapon bore a defaced serial number.

This defendant was arrested in a home which contained twelve kilos of cocaine and five handguns. Thirty pounds of marijuana was seized from a vehicle in the driveway. Defendant admitted receiving the drugs. Substantial additional quantities of drugs were seized from co-conspirators at other locations. Defendant is a convicted drug dealer, and he faces a minimum sentence of 20 years upon conviction. Information relating to his employment and property holdings is inconsistent and, in my view, untrustworthy. Although he has ties to the community, I consider the defendant a flight risk. Defendant has not rebutted the statutory presumption. Pretrial Services recommends detention.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

May 16, 2006
Date

s/Donald A. Scheer
Signature of Judge
Donald A. Scheer, United States Magistrate Judge
Name and Title of Judge